

LICENSING COMMITTEE

Thursday, 26th October, 2017
6.30 pm





LICENSING COMMITTEE

BURNLEY TOWN HALL

Thursday, 26th October, 2017 at 6.30 pm

This agenda gives notice of items to be considered in private as required by Regulations (4) and (5) of The Local Authorities (Executive Arrangements) (Meetings and Access to Information) (England) Regulations 2012.

Members are reminded that if they have detailed questions on individual reports, they are advised to contact the report authors in advance of the meeting.

Members of the public may ask a question, make a statement, or present a petition relating to any agenda item or any matter falling within the remit of the committee.

Notice in writing of the subject matter must be given to the Head of Governance, Law & Regulation by 5.00pm on the day before the meeting. Forms can be obtained for this purpose from the reception desk at Burnley Town Hall or the Contact Centre, Parker Lane, Burnley. Forms are also available on the Council's website www.burnley.gov.uk/meetings.

AGENDA

8) *Additional report for information - amendment to taxi licensing convictions policy*

3 - 6

MEMBERSHIP OF COMMITTEE

Councillor Ann Royle (Chair)
Councillor Gary Frayling (Vice-Chair)
Councillor Gordon Birtwistle
Councillor Bill Brindle
Councillor Frank Cant
Councillor Ida Carmichael
Councillor Saeed Chaudhary
Councillor Jean Cunningham

Councillor Danny Fleming
Councillor Shah Hussain
Councillor Mohammed Ishtiaq
Councillor Anne Kelly
Councillor Sobia Malik
Councillor Elizabeth Monk
Councillor Christine White

PUBLISHED

Wednesday, 18 October 2017

LICENSING COMMITTEE



| | |
|----------------------|-------------------------------------|
| DATE | 26th October 2017 |
| PORTFOLIO | Environment |
| REPORT AUTHOR | Peter Henderson |
| TEL NO | 01143 999 061 ext. 249061 |
| EMAIL | phenderson@burnley.gov.uk |

Minor Amendment to Taxi licensing Convictions Policy

PURPOSE

1. To inform members of a minor amendment made to paragraph 2 of the Council's Taxi Licensing convictions policy by the Head of Governance, Law, Property and Regulation under delegated powers.

RECOMMENDATION

2. That the amendment made to Paragraph 2 of the Council's Taxi Licensing Convictions Policy be noted.

REASONS FOR RECOMMENDATION

3. To keep members informed of minor amendments to policy.

SUMMARY OF KEY POINTS

4. The policy has been amended as follows;

To delete paragraph 2 as shown in italics below and replace it with the following,.

"2. Where this Policy refers to a period free of Conviction:

(A) Subject to paragraph (B), that period is to be calculated as commencing on the later of-

- (a) the date of the Conviction (or where the Conviction is appealed, the date on which the appeal is finally disposed of or withdrawn or fails for want of prosecution);
- (b) in the case of a Licence Holder, the date the Conviction was reported to the Council;
- (c) in the case of a Licence Holder, the date the Council became aware of the conviction from any other source;
- (d) the date any custodial sentence was completed; or
- (e) the end date of any period of disqualification from driving

and ending on the date of determination of the Application

(B) In the case of:

(i) a refusal to renew a Licence; or

(ii) a suspension or revocation of a Licence other than a suspension or revocation which has immediate effect by virtue of section 61(2B) of the Local Government (Miscellaneous Provisions) Act 1976

where the decision to refuse to renew, suspend or revoke is appealed, the period free of Conviction as calculated in accordance with paragraph (A) shall be extended by the period of time equal to the length of the period of time commencing on the date of the decision in respect of which such appeal proceedings are commenced and ending on the date on which that appeal is disposed of or withdrawn or fails for want of prosecution, and the end date of the period free of Conviction shall be calculated accordingly.”

2. *Where this Policy refers to a period free of Conviction, that period is to be calculated as:*

Commencing on the later of:

a) *the date of the Conviction (or where the Conviction is appealed, the date on which the appeal is finally determined);*

b) *in the case of a Licence Holder, the date the Conviction was reported to the Council;*

c) *in the case of a Licence Holder, the date the Council became aware of the conviction from any other source;*

d) *the date any custodial sentence was completed;*

e) *the end date of any period of disqualification from driving; or*

f) *In the case of a suspension, revocation or refusal to grant or renew a Licence where the decision is appealed, the date on which the appeals process is finally expended.*

and ending on the date of determination of the Application.

FINANCIAL IMPLICATIONS AND BUDGET PROVISION

5. None

POLICY IMPLICATIONS

6. The policy has been amended as per this report and published on the councils website

DETAILS OF CONSULTATION

7. N/A

BACKGROUND PAPERS

8. None

FURTHER INFORMATION**PLEASE CONTACT:****Peter Henderson Ext 249061****ALSO:****James Astin Ext 249055**

This page is intentionally left blank